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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

LOS ANGELES PRESS CLUB,
STATUS COUP,

PLAINTIFFS,

v.

CITY OF LOS ANGELES, a municipal
entity, JIM MCDONNELL, LAPD
CHIEF, sued in his official capacity;

DEFENDANTS.

Case No. 2:25-CV-05423-HDV-E

Hon. Hernan D. Vera

**DECLARATION OF CONSTANZA
ELIANA CHINEA MERCADO**

1 I, Constanza Eliana China Mercado, declare as follows:

2 1. I make this declaration based on my own personal knowledge and if
3 called to testify I could and would do so competently as follows:

4 2. I am submitting this declaration to describe how Los Angeles Police
5 Department (“LAPD”) officers confined a group of press including myself away
6 from protests by threatening us with arrest and indiscriminately deployed tear gas at
7 a crowd including myself and other identified press.

8 3. I am a bilingual journalist and the founder of Malcriá Media, an
9 independent media platform focusing on social justice, politics, and culture, and that
10 centers marginalized perspectives. Under Malcriá Media, I host the Political
11 Pendejadas podcast, covering political and social justice topics with influential
12 guests.

13 4. I am currently a 2024–2026 California Local News Fellow selected by
14 UC Berkeley’s Graduate School of Journalism, a state-funded initiative to pay early-
15 career journalists to provide content for local journalism outlets, with a focus on
16 underserved communities.

17 5. I am also a freelance reporter. I have contributed to the Los Angeles
18 Times, KnockLA, The Young Turks, and Latino Rebels, LA Public Press, among
19 others. In 2022, I co-hosted and produced the Spotify Original podcast Stranger
20 Fruit. In the summer of 2024, I completed a disinformation fellowship through the
21 Digital Democracy Institute of the Americas’ Capacity-Building Program: Latinos,
22 Media, and Democracy.

23 **June 8, 2025**

24 6. On June 8, 2025, I was covering protests that were happening in Los
25 Angeles in response to immigration raids by the U.S. Immigration and Customs
26 Enforcement. At about 2:00 p.m., I arrived at the intersection of Aliso Street and
27 Alameda Street, adjacent to federal buildings, in downtown Los Angeles. Large
28

1 crowds filled the entire block as far as I could see in two directions from the
2 intersection, while LAPD blocked the other two directions.

3 7. When covering this protest, I clearly identified myself as press. I
4 carried a press-identification badge in my hand that said “NEWS MEDIA” on the
5 top of the badge and “PRESS” at the bottom, both printed in large white letters on a
6 blue background, which is on a lanyard, visible from a distance, and has a photo of
7 me. When confronted with LAPD officers, I clearly held up this press-identification
8 badge and verbally identified myself as press. I also carried press-specific
9 equipment, including a Canon DSLR camera with a large lens, a professional
10 microphone, and gimbal stabilizer for filming using my phone.

11 8. When I arrived, tear gas was still in the air. The tear gas was apparently
12 deployed shortly before. Protesters were visibly upset at the use of the tear gas and
13 raised their voices at LAPD officers, but I did not see the protesters initiate any
14 violent acts against officers. During this time, I closely observed the front lines of
15 police and protester interactions and was shoulder to shoulder with LAPD officers
16 and protestors. Then, while protesters were chanting at LAPD officers, tensions
17 escalated as officers began deploying less-lethal munitions on the crowd and
18 physically shoving and grabbing protesters.

19 9. After LAPD officers began shooting protesters without any
20 justification, I saw a few protesters respond by shoving officers or throwing water
21 bottles at them. Before LAPD initiated this violence, I had seen no violent or
22 destructive acts by protesters. I do not know why LAPD started shooting. Even after
23 they began engaging with officers and I remained close by, I did not feel threatened
24 by or in danger from the acts of the protesters.

25 10. I moved to a corner of the intersection to try to film the entire crowd
26 that filled both blocks. While I was standing on the corner between the crowd and a
27 cement wall, an LAPD officer shoved a person into me, pinning me against the wall.
28 In response, I told the officer, “Hey, watch it, I’m press.” The officer told me, “If

1 you're press, you need to be behind us," directing me to move away from the police
2 interactions with the crowd to behind a line of officers separated. I attempted to
3 challenge the legality of this order, and we negotiated where I could stand back and
4 forth. Ultimately, the officer told me that if I did not move behind a group of
5 officers and away from the protesters, I would get hurt.

6 11. Because I did not feel threatened or targeted by any acts of the
7 protesters and given the officer's warning that I would get hurt if I stayed in that
8 location, I assumed that the officer meant LAPD would be deploying tear gas there
9 shortly, as it apparently had before I arrived. Accordingly, I complied with the
10 officer's direction and began to move behind the line of officers where I was
11 directed.

12 12. As soon as I moved behind the line of officers, at about 3:00 p.m.,
13 another LAPD officer, who I had not previously seen or interacted with,
14 immediately approached me and yelled at me, "If you don't get back, I'm arresting
15 you right now. I've told you three times that press has to be back a hundred feet." I
16 had never heard any previous warning from the LAPD that I needed to move back
17 100 feet from the protesters, and I had just arrived at that location behind the line of
18 officers to comply with the previous officer's directions.

19 13. Given the second officer's threat of arrest, I complied with his
20 instructions to move where he directed me, which was an area approximately 150
21 feet away from the front line of police-protester interactions. LAPD officers made
22 threats of arrest to other journalists in the area and also pushed them back into the
23 "press area," as the officers described it, where I was.

24 14. This group of press included journalists who I personally recognized
25 from MSNBC, CNN, and AP, as well as another reporter who is also a California
26 Local News Fellow for the UC Berkeley Graduate School of Journalism. There were
27 approximately 20 to 30 journalists in this confined area. Everyone in the "press
28 area" wore visible press identification and/or carried professional equipment that

1 identified them as press. A true and correct video I took showing and describing the
2 confinement of the press to this “press area” more than 100 feet away from protest
3 activity is published and available here:

4 [https://www.instagram.com/reel/DKp_9HZBtUp/?utm_source=ig_web_copy_link&](https://www.instagram.com/reel/DKp_9HZBtUp/?utm_source=ig_web_copy_link&igsh=MTA4eWZ3MXFxYzN4Ng==)
5 [igsh=MTA4eWZ3MXFxYzN4Ng==](https://www.instagram.com/reel/DKp_9HZBtUp/?utm_source=ig_web_copy_link&igsh=MTA4eWZ3MXFxYzN4Ng==).

6 15. LAPD officers blocked press from moving any closer than
7 approximately 150 feet from the protesters. In addition to the front line of officers
8 blocking our access to protesters, there were three law enforcement vehicles parked
9 behind that line of officers that obscured our view of the protest, and there was
10 another line of officers in front of the vehicles who ensured the press remained
11 confined away from the protest under threat of arrest if they returned to reporting on
12 the protests. Before this confinement, I had been reporting all day between just a
13 few inches and up to ten feet away from the front line of police-protester
14 interactions, and I was able to see and report clearly without causing any
15 interference to the police.

16 16. When I am covering protests, where there is conflict between protesters
17 and police, I cannot see and report on what is happening when I am 150 feet away
18 from those interactions, even with my professional camera and large lens.

19 17. Over the next 30 minutes, police pushed this group of press further and
20 further back. Additional law enforcement vehicles continued to arrive and park
21 between the “press area” and protests, pushing the press further away. Many of the
22 journalists, including myself, in the area were upset at LAPD’s apparent violations
23 of press freedoms, and we repeatedly asked the officers to allow us to return closer
24 to the protest area as state law requires. LAPD officers did not permit us to return or
25 allow immediate access to an LAPD supervisor to challenge why access to the
26 protest was impossible. By the end of these 30 minutes, we had been pushed
27 approximately 500 feet away from the protesters.
28

1 18. After approximately 30 minutes of confinement to the “press area”
2 under threat of arrest and negotiations between reporters and officers, the LAPD
3 officers allowed us to move somewhat closer to the protest, but they continued to
4 keep us confined under threat of arrest approximately 75 to 100 feet away from the
5 protesters.

6 19. Even 75 to 100 feet away from the protesters, I could not clearly see
7 and report on their interactions with law enforcement.

8 20. I remained in this closer “press area” for approximately another 30
9 minutes, as the LAPD officers did not allow us anywhere to exit. Then, LAPD
10 officers began moving the parked cars to avoid damage from protesters. At this
11 point, I asked a different LAPD officer than the one I primarily negotiated with if I
12 could leave, and the officer told me I could as long as I turned back and went around
13 the block to cover the protests from the opposite direction, but he still refused to
14 allow me and other members of the press to cover the front line of police-protester
15 interactions that was approximately 75 to 100 feet away. I then exited the “press
16 area” in compliance with the LAPD officer’s instructions.

17 21. I know that the officers who confined the press in this area and
18 threatened us with arrest if we did not move into it were with the LAPD because the
19 officers that I saw and interacted all wore uniforms with a visible patch on the left
20 arm of their jackets that read “Los Angeles Metro Police.”

21 **June 14, 2025**

22 22. On June 14, 2025, I was covering protests near the intersection of Los
23 Angeles Street and East Temple Street in downtown Los Angeles. I arrived at that
24 intersection around 10:00 a.m., and the protesters were calm and peaceful. There
25 were families present, young teenagers flying flags and playing music, and the mood
26 seemed very positive. People were vocal, chanting and yelling with slight tension
27 toward law enforcement, but there was no indication that anyone was going to
28 engage in any illegal acts.

1 23. In fact, there were many moments during the protests on this day when
2 the protestors brought flowers to lay at the feet of the National Guard and other law
3 enforcement officers to demonstrate their nonviolent intent and model peaceful
4 resistance.

5 24. When covering this protest, I again clearly identified myself as press. I
6 wore the same press-identification badge on a lanyard around my neck and
7 continued to openly and visibly carry my professional camera, microphone, and
8 gimbal.

9 25. At approximately 4:10 p.m., I was still reporting on the protest at the
10 intersection of Los Angeles Street and East Temple Street. With no dispersal
11 announcement or warning and without any justification, LAPD officers arrived with
12 horses and began trampling protestors who were doing nothing violent, destructive,
13 or illegal. Thousands of protestors began attempting to disperse. I did not see any
14 justification for LAPD's actions—I did not observe any protestors acting violently
15 or doing anything that could be interpreted as a threat.

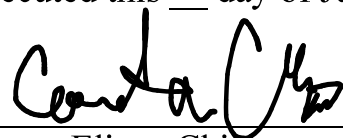
16 26. After the horses arrived, less than five minutes later, at approximately
17 4:14 p.m., LAPD deployed tear gas and shot less-lethal munitions indiscriminately
18 into the crowd. I still had heard no announcement or dispersal order before this
19 occurred. Again, before this occurred, I saw no one in the crowd engaging in any
20 illegal or destructive acts and no indication that such acts were going to occur. The
21 crowd included at least 25 other members of the press, visibly identified as such,
22 who were reporting near me.

23 27. The air became thick with tear gas, and I ran down East Temple Street.
24 The police had blocked off Los Angeles Street and the opposite direction of East
25 Temple Street, so there was only one direction for those dispersing to go. I felt
26 burning and discomfort in my sinuses and eyes and experienced tears from the gas.
27 The LAPD chased us down the street and then forced us two blocks away from East
28 Temple Street and kettled the crowd there on foot and horseback. After 20 minutes,

1 the police left, and then I was able to leave the area. A true and correct video I
2 captured of my experience of this incident is published and available here:
3 [https://www.instagram.com/reel/DK5lXdvy8OP/?utm_source=ig_web_copy_link&i](https://www.instagram.com/reel/DK5lXdvy8OP/?utm_source=ig_web_copy_link&igsh=c3U0ZGhhZ3d0Zmc=)
4 [gsh=c3U0ZGhhZ3d0Zmc=](https://www.instagram.com/reel/DK5lXdvy8OP/?utm_source=ig_web_copy_link&igsh=c3U0ZGhhZ3d0Zmc=)

5 28. I know that the officers who used horses and shot less-lethal munitions
6 and tear gas into the crowd were with the LAPD because these officers again all
7 wore dark blue uniforms with a visible patch on the left arm of their jackets that read
8 "Los Angeles Metro Police." Los Angeles Metropolitan Police is a unit of the
9 LAPD.

10 I declare under penalty of perjury under the laws of the United States of
11 America that the foregoing is true and correct. Executed this 28 day of June, 2025 at
12 Venice, CA.

13 
14 _____
15 Constanza Eliana China
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